

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1085

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MAYS (50).

Pre-filed December 3, 2001, and 1000 copies ordered printed.

Read 1<sup>st</sup> time January 9, 2002.

Read 2<sup>nd</sup> time January 10, 2002, and referred to the Committee on Local Government and Related Matters, January 10, 2002.

Reported from the Committee on Local Government and Related Matters, March 14, 2002, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 21, 2002.

TED WEDEL, Chief Clerk

2754L.01P

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## AN ACT

To repeal sections 242.010, 242.200 and 242.210, RSMo, and to enact in lieu thereof three new sections relating to drainage districts.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 242.010, 242.200 and 242.210, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 242.010, 242.200, and 242.210, to read  
3 as follows:

242.010. **1.** The word "owner" as used in sections 242.010 to 242.690 shall mean the  
2 owner of the freehold estate, as appears by the deed record, and it shall not include reversioners,  
3 remaindermen, trustees, or mortgagees, who shall not be counted and need not be notified by  
4 publication, or served by process, but shall be represented by the present owners of the freehold  
5 estate in any proceeding under said sections.

6 **2. Owners of property, located in whole or in part within the drainage district and**  
7 **owned by a corporation, partnership, joint venture, or any other form of ownership other**  
8 **than individual ownership, may delegate through procedures allowed as provided by the**  
9 **laws of this state an individual to exercise representation and voting on behalf of the**  
10 **corporation, partnership, joint venture, or other entity in matters requiring public vote**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

11 **involving the drainage district. For purposes of drainage districts organized pursuant to**  
12 **the laws of this state, any individual so recognized by the corporation, partnership, joint**  
13 **venture, or other entity as having the responsibilities of representing the property owner**  
14 **before the board of supervisors of the drainage district shall in all respects be treated by**  
15 **laws of this state as the owner of the property, and shall be entitled to all benefits and**  
16 **privileges allowed by law, including serving on the board of supervisors if so elected.**

242.200. 1. The board of supervisors immediately after their election shall choose one  
2 of their number president of the board, and elect some suitable person secretary, who shall serve  
3 until [his] **the secretary's** successor is elected and qualified, and who shall be a resident of the  
4 county or counties in which the district is situate **or of an adjoining county** and may or may not  
5 be a member of the board.

6 2. Such board shall adopt a seal with a suitable device, and shall keep a record of all its  
7 proceedings, which shall be open to the inspection of all owners of real estate and other property  
8 of the district, as well as to all other interested parties.

9 3. The board shall report to the landowners at the annual meeting held [under] **pursuant**  
10 **to** the provisions of section 242.160 what work has been done, either by the engineers or  
11 otherwise.

12 4. At the annual meeting held [under] **pursuant to** the provisions of section 242.160,  
13 the compensation to be received by the members of the board for their services while actually  
14 engaged in work for the district shall be determined.

242.210. 1. The secretary of the board of supervisors in any drainage district shall hold  
2 the office of treasurer of such district, except as otherwise provided herein, and [he] **the**  
3 **treasurer** shall receive and receipt for all the drainage taxes collected by the county collector or  
4 collectors of revenue, and [he] **the treasurer** shall also receive and receipt for the proceeds of  
5 all tax sales made [under] **pursuant to** the provisions of sections 242.010 to 242.690.

6 2. The treasurer shall receive a salary, payable monthly, such as the board of supervisors  
7 may fix, and all necessary expenses; the board of supervisors shall furnish the secretary and  
8 treasurer the necessary office room, furniture, stationery, maps, plats, typewriter, and postage,  
9 which office shall be in the county, or one of the counties, in which such district is situate, **or in**  
10 **an adjoining county**, and the district records shall be kept in such office.

11 3. The treasurer may appoint, by and with the advice and consent of the board of  
12 supervisors, one or more deputies as may be necessary, whose salary or salaries and necessary  
13 expenses shall be paid by the district.

14 4. The treasurer shall give bond in such amount as shall be fixed by the board of  
15 supervisors, conditioned that [he] **the treasurer** will well and truly account for and pay out, as  
16 provided by law, all moneys received by [him] **the treasurer** as taxes from the county collector

17 or collectors, and the proceeds from the tax sales of delinquent taxes, and from any other source  
18 whatever on any account or claim of said district, which bond shall be signed by at least two  
19 sureties, approved and accepted by the board of supervisors, and the bond shall be in addition  
20 to the bond for the proceeds of sales of bonds, which is required by section 242.480. The bond  
21 of the treasurer may, if the board shall so direct, be furnished by a surety or bonding company,  
22 which shall be approved by the board of supervisors; bond shall be placed and remain in the  
23 custody of the president of the board of supervisors, and shall be kept separate from all papers  
24 in custody of the secretary and treasurer.

25 5. The treasurer shall deposit all funds received by [him] **the treasurer** in some bank,  
26 banks, or trust company to be designated by the board of supervisors. All interest accruing on  
27 such funds shall, when paid, be credited to the district.

28 6. It shall be the duty of the board of supervisors to audit or have audited the books of  
29 the treasurer of the district each year and make report thereof to the landowners at the annual  
30 meeting and publish a statement within thirty days thereafter, showing the amount of money  
31 received, the amount paid out during such year, and the amount in the treasury at the beginning  
32 and end of the year, and file a copy of such statement in the office of the county clerk of each  
33 county containing land embraced in the district.

34 7. The treasurer of the district shall pay out funds of the district only on warrants issued  
35 by the district, said warrants to be signed by the president of the board of supervisors and attested  
36 by the signature of the secretary and treasurer. All warrants shall be in the following form:

37 \$ .....Fund ..... No. of warrant ..... Treasurer of .....  
38 district, state of .....

39 Pay to ..... dollars out of the money in ..... fund of ..... district for ..... .

40 By order of board of supervisors of ..... district.

41 (Seal) .....,  
42 President of district.

43 Attest .....,

44 Secretary of district.